

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARLENE JOHANSEN

Plaintiff

Civil Action No. 04-11789-RCL

v.

UNITED STATES OF AMERICA

Defendant/Counter Claimant

v.

TIMOTHY BURKE
NATIONAL CITY MORTGAGE CO

Counter Defendants

**JAMES EVERETT'S MOTION TO WITHDRAW AS COUNSEL
FOR THE COUNTER DEFENDANT TIMOTHY BURKE**

NOW COMES James Everett, Esq. ("Mr. Everett"), counsel for the Counter Defendant, Timothy Burke Esq., to move this court for withdrawal as counsel in this matter. As grounds therefore, Mr. Everett states as follows:

1. The underlying matter is an action to quiet title of property (the "property") held by Marlene Johansen of which the United States has filed a Notice of Federal Tax Lien on. Ms. Johansen filed a complaint seeking to have the Notice of Federal Tax Lien declared erroneous.
2. Timothy Burke Esq., is counsel for Ms. Johansen in this matter. Mr. Burke was granted a mortgage in the property to secure his legal fees in this action.
3. The United States in answering the complaint asserted a counterclaim seeking Foreclosure of Federal Tax Liens. Mr. Burke was added as a defendant to the counterclaim "since he may claim an interest in the property upon which the United States seeks to foreclose its liens."

4. The undersigned counsel is employed by Mr. Burke as his associate.
5. As of February 14, 2005 the undersigned counsel will no longer be employed as an associate of Mr. Burke or otherwise affiliated with his firm. Accordingly, the undersigned counsel requests that he be allowed to withdraw as counsel for Timothy Burke, Esq.
6. Mr. Burke has been informed of the undersigned counsel's intent to withdraw and does not object to same.

WHEREFORE, the reasons stated herein, James Everett, Esq., prays this honorable Court allow him to withdraw as counsel in this matter, and for all other relief that this court deems just and appropriate.

Respectfully submitted,

Dated: February 10, 2005

/s/ James Everett
James Everett
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Suite 303
Braintree, MA 02184
781-380-0770

Plaintiff's Certificate of Compliance with Local Rule 7.1

I hereby certify that on February 10, 2005 I contacted the United States counsel Stephen Turanchik regarding the filing of this motion. Mr Turanchik stated that he assented to my withdrawal.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a true copy of this motion via first class mail upon all party's attorney of

record on February 10, 2005.

/s/ James Everett
James Everett